

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

ANTONIO LAMONT MURRAY,)	
)	
Movant,)	
)	
v.)	CR612-005
)	CV620-052
UNITED STATES OF)	
AMERICA,)	
)	
Respondent.)	

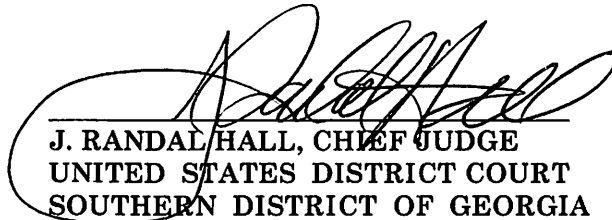
ORDER

After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation (R&R), (CR612-005, doc. no. 398; CV620-052, doc. no. 8), to which no objections have been filed. Accordingly, the R&R is **ADOPTED**, the Motion to Dismiss, (CR612-005, doc. no. 381; CV620-052, doc. no. 6), is **GRANTED**, and Murray's 28 U.S.C. § 2255 Motion is **DENIED**, (CV620-052, doc. no. 1; CR612-005, doc. no. 336), and the civil case, CV620-052, is **DISMISSED**.

Further, a prisoner seeking relief under 28 U.S.C. § 2255 must obtain a certificate of appealability ("COA") before appealing the denial of his application for writ of habeas corpus. 28 U.S.C. § 2253(c)(1)(B). This

Court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Rule 11(a) to the Rules Governing Section 2255 Proceedings. This Court should grant a COA only if the prisoner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). For the reasons set forth in the Report and Recommendation, and in consideration of the standards enunciated in *Slack v. McDaniel*, 529 U.S. 473, 482-84 (2000), movant has failed to make the requisite showing. Accordingly, the Court **DENIES** a COA in this case.¹ Moreover, because there are no non-frivolous issues to raise on appeal, an appeal would not be taken in good faith. Accordingly, movant is not entitled to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3).

ORDER ENTERED at Augusta, Georgia, this 11th day of September, 2023.


J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ “If the court denies a certificate, [a party] may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22.” Rule 11(a) to the Rules Governing Section 2255 Proceedings.